

### **REMARKS**

Claims 1, 4, 9-11, 14, and 16-18 are currently amended and do not add any new matter. Claims 19-26 are new and do not add any new matter. Claims 2-3, 6-7, and 12 are canceled. Thus, claims 1, 4-5, 8-11, and 13-26 are pending in the application. Four independent claims and 18 total claims were previously paid for by the applicant. Applicant is thus paying for a net gain of three total claims and one independent claim. This Amendment is in response to the final Office action dated September 13, 2007 and accompanies a Request for Continued Examination (RCE) filed under 37 C.F.R. §1.114.

The Office action rejects claims 1-9, 11, 12 and 15-18 under 35 U.S.C. 103(a) as being unpatentable over Szabo (U.S. Patent No. 5,954,640) in view of article "Name Change Reflects CVS' Commitment to E-commerce." Claim 10 also remains rejected as being unpatentable over Szabo and "Name Change" and in further view of Mayaud (U.S. Patent No. 5,845,255). Claims 13 and 14 remain rejected as being unpatentable over Szabo and "Name Change" and in further view of Godin et al. (U.S. Publication No. 2001/0009005). The applicants respectfully traverse the allegations and respond as follows.

### **CLAIMS 1, 4-5, 8-11, and 13-26 MEET THE REQUIREMENTS OF SECTION 103(a)**

The issue of patentability raised by the Office action, and which the applicants must overcome, is whether each and every limitation of claims 1, 4-5, 8-11, and 13-26 is found in the relied upon references, and whether the combinations render unpatentable the claims under 35 U.S.C. §103(a). The applicants submit that claims 1, 4-5, 8-11, and 13-26 meet the requirements of 35 U.S.C. §103(a), and therefore, claims 1, 4-5, 8-11, and 13-26 are allowable. Applicants address the rejections separately as to each independent claim and the claims that depend therefrom.

#### **1. Claims 1, 4-8, and 20-26**

Amended independent claim 1 is directed to a system for accessing pharmacy data and ordering prescriptions via a network that includes a network server connected to the network that is accessible by one or more customers via the network; an application server

connected to the network server; a database connected to the application server, the database containing information concerning drugs and personal information concerning one or more of the customers, wherein the personal information includes a prescription drug history of each respective one of the one or more customers; and an intranet server that is connected to at least a plurality of member pharmacies and one or more shipping facilities, the intranet server being connected to the application server. The application server is configured to: receive a username and password from a customer; cause a browser to display to the customer the information concerning drugs and personal information concerning that customer if the username and password are confirmed, and cause the browser to display an option to transmit a prescription order to at least one of the plurality of member pharmacies or one of the one or more shipping facilities, receive the prescription order and perform a prescription drug interaction check; receive an indication of a choice from the customer relative to the option; cause at least one prescription drug associated with the prescription order to be shipped from the one of the one or more shipping facilities when the customer chooses the option to transmit the prescription order to the one or more shipping facilities; and cause at least one prescription drug associated with the prescription order to be filled at one of the local member pharmacies when the customer chooses the option to transmit the prescription order to the one local member pharmacy for pick-up by the customer.

In particular, amended claim 1 recites a database containing prescription drug history of each respective one of the one or more customers; and an intranet server configured to: receive a username and password from a customer; cause a browser to display to the customer the information concerning drugs and personal information concerning that customer if the username and password are confirmed, and cause the browser to display an option to transmit a prescription order to at least one of the plurality of member pharmacies or one of the one or more shipping facilities, receive the prescription order and perform a prescription drug interaction check; receive an indication of a choice from the customer relative to the option; and cause at least one prescription drug associated with the prescription order to be filled at one of the local member pharmacies when the customer chooses the option to transmit the prescription order to the one local member pharmacy for pick-up by the customer. These limitations distinguish the references relied on in the Office action.

None of the cited references appear to disclose the limitations particularly recited above. Moreover, Szabo generally discloses a single store location and provides no disclosure of any system architecture that would couple a plurality of stores to an application server and a plurality of shipping facilities, let alone a plurality of member pharmacies. Neither does the Name Change press release disclose any details as to how one would couple a plurality of member pharmacies to a shipping facility. Furthermore, none of the cited references appear to disclose an application server configured to cause a browser to display an option to transmit a prescription order to at least one of a plurality of connected member pharmacies. Applicants respectfully submit that amended claim 1 is allowable for at least these reasons.

As previously discussed, it is critical in pharmacies and pharmaceutical distribution facilities to ensure that licensed pharmacists and technicians handle the filling of prescriptions for distribution to customers in an appropriate manner. U.S. governmental regulations for operations in pharmacies and pharmaceutical distribution facilities are very rigid and controlled. This is due to the important role that they have in distributing prescription drugs to the U.S. population. The governmental regulations in pharmacies and pharmaceutical distribution facilities necessitate electronic systems such as those disclosed and claimed in the present application, which are markedly different from the systems disclosed in the cited art. Filling a prescription with a wrong drug or even an incorrect dosage can have serious consequences, which may include the death of a patient. This is not the same as when a nutritional supplement system fills an order for an incorrect vitamin. This is why the inventors of the present application sought to develop an electronic prescription ordering system that would reduce risks and ensure patient safety. Thus, as the applicants have explained, existing architectures have not met the needs of efficient, electronic ordering systems within a pharmacy environment.

Consequently, it is submitted that the cited references, either alone or in combination, do not disclose each and every limitation of amended claim 1. Moreover, claims 4-8, and 20-26 that depend from claim 1 should be allowable for at least this reason.

With respect to new dependent claim 20, applicants respectfully submit that none of the cited references appear to disclose an application server configured to receive and store answers from the customer to a quiz concerning health issues.

With respect to new dependent claim 21, applicants respectfully submit that none of the cited references appear to disclose an application server configured to display to the customer a name of a doctor that prescribed the at least one prescription drug, and display to the customer a generic alternative for the at least one prescription drug.

With respect to new dependent claim 22, applicants respectfully submit that none of the cited references appear to disclose an application server configured to display to a customer a number of refills left for a prescription order.

With respect to new dependent claim 23, applicants respectfully submit that none of the cited references appear to disclose an application server configured to register a customer through a “click free” registration.

With respect to new dependent claim 24, applicants respectfully submit that none of the cited references appear to disclose an application server configured to send a customer a refill reminder email to remind the customer to refill a prescription.

With respect to new dependent claim 25, applicants respectfully submit that none of the cited references appear to disclose an application server configured to display a hyperlinked image of drug associated with a prescription order.

With respect to new dependent claim 26, applicants respectfully submit that none of the cited references appear to disclose an application server configured to display a status of the prescription order.

## **2. Claims 9-11 and 13-16**

Amended independent claim 9 is directed to a method enabling one or more customers to order prescriptions and access pharmacy data via a network that includes accessing a network server hosting a network website via the network; registering a customer with the network website including prompting the customer to enter a username and password; displaying to the customer on the website at least one of a prescription order selection or a pharmacy data access selection; displaying one or more prescription order

displays to the customer on the website when the customer selects the prescription order selection, including: receiving from the customer a particular prescription order via a communication network that connects at least one of a plurality of member pharmacies and one or more distribution facilities, performing a prescription drug interaction check for the particular prescription order, and sending the customer a confirmation email corresponding to the received particular prescription order; and displaying one or more pharmacy data access displays to the customer when the customer selects the pharmacy data access selection wherein the customer is allowed to access one of a personal prescription history and specific drug information from a database.

In particular, amended claim 9 recites registering a customer with the network website including prompting the customer to enter a username and password; performing a prescription drug interaction check for the particular prescription order, and sending the customer a confirmation email corresponding to the received particular prescription order.

Applicants respectfully submit that these particular recitations, similar to claim 1, are not disclosed in any of the cited references. Consequently, claim 9 should be allowable as well. Moreover, because claims 10-11 and 13-16 depend from claim 9, these claims are allowable at least because of their dependence from claim 9.

### **3. Claim 17**

Amended independent claim 17 is directed to a system for accessing pharmacy data and ordering prescriptions via a network that includes an application server; a database connected to the application server, the database containing information concerning prescription drugs and personal information concerning a portion of a plurality of customers; and an intranet server that is connected to a first member pharmacy, a second member pharmacy, and a shipping facility, the intranet server being connected to the application server; wherein the application server is configured to: receive a username and a password from a customer; allow the customer to access the information concerning prescription drugs and personal information concerning that customer if the username and the password are confirmed, provide each of the one or more customers with an option to transmit a prescription order to the first member pharmacy or the shipping facility if the username and the password are confirmed; receive the prescription order and perform a prescription drug

interaction check; receive an indication of a choice from the customer relative to the option to transmit the prescription order to the first member pharmacy or the shipping facility; send an email confirmation to the customer confirming the prescription order; cause a browser to display a status of the order; cause at least one prescription drug associated with the prescription order to be shipped from the shipping facility when the customer chooses the option to transmit the prescription order to the shipping facility; and cause at least one prescription drug associated with the prescription order to be filled at the first member pharmacy when the customer chooses the option to transmit the prescription order to the first member pharmacy.

In particular, amended claim 17 recites an application server configured to: provide each of the one or more customers with an option to transmit a prescription order to the first member pharmacy or the shipping facility if the username and the password are confirmed; receive the prescription order and perform a prescription drug interaction check; receive an indication of a choice from the customer relative to the option to transmit the prescription order to the first member pharmacy or the shipping facility; send an email confirmation to the customer confirming the prescription order; cause a browser to display a status of the order; and cause at least one prescription drug associated with the prescription order to be filled at the first member pharmacy when the customer chooses the option to transmit the prescription order to the first member pharmacy.

None of the cited references appear to disclose these particular recitations. For least these reasons, applicants submit that new claim 17 is in condition for allowance.

#### **4. Claim 18**

Amended claim 18 is directed to a method enabling a customer to order prescriptions and access pharmacy data via a network that includes: providing a network server hosting a network website via the network; registering a customer with the network website that includes prompting the customer to input a username and password; displaying to the customer on the website at least one of a prescription order selection or a pharmacy data access selection; displaying a prescription order display to the customer on the website when the customer selects the prescription order selection and when the username and password are

confirmed, receiving from the customer a particular prescription order for a prescription drug via a communication network that connects a plurality of member pharmacies and a distribution facility; receiving the prescription order and performing a prescription drug interaction check; wherein the particular prescription order includes a selectable designation by the customer to communicate that the prescription will one of: a) be manually picked up at a selected pharmacy store location; or b) be shipped to a designated postal address; sending a confirmation email to the customer for the prescription order; receiving and storing medical insurance information for the customer; displaying to the customer pricing information for a drug in the prescription order; displaying to the customer a name of a doctor that prescribed the drug; and displaying a pharmacy data access display to the customer when the customer selects the pharmacy data access selection and when the username and password are confirmed, and providing the customer access to one of a personal prescription history and specific drug information from a database.

In particular, amended claim 18 recites displaying a prescription order display to the customer on the website when the customer selects the prescription order selection and when the username and password are confirmed, receiving from the customer a particular prescription order for a prescription drug via a communication network that connects a plurality of member pharmacies and a distribution facility; receiving the prescription order and performing a prescription drug interaction check; wherein the particular prescription order includes a selectable designation by the customer to communicate that the prescription will one of: a) be manually picked up at a selected pharmacy store location; or b) be shipped to a designated postal address; sending a confirmation email to the customer for the prescription order; receiving and storing medical insurance information for the customer; displaying to the customer pricing information for a drug in the prescription order; displaying to the customer a name of a doctor that prescribed the drug; and displaying a pharmacy data access display to the customer when the customer selects the pharmacy data access selection and when the username and password are confirmed, and providing the customer access to one of a personal prescription history and specific drug information from a database.

Because none of the cited references, either alone or in combination recite each and every limitation particularly recited above, amended claim 18 is in condition for immediate allowance.

## **5. Claim 19**

New claim 19 is directed to a pharmacy system that includes means for accessing a network server hosting a network website; means for registering a customer with the network website; means for displaying to the customer on the website at least one of a prescription order selection or a pharmacy data access selection; means for displaying one or more prescription order displays to the customer on the website when the customer selects the prescription order selection; means for receiving from the customer a particular prescription order via a communication network that connects at least one of a plurality of member pharmacies and one or more distribution facilities, means for performing a prescription drug interaction check for the particular prescription order, and means for sending the customer a confirmation email corresponding to the received particular prescription order; means for displaying to the customer pricing information for a drug in the prescription order; means for displaying to the customer a name of a doctor that prescribed the drug; means for displaying to the customer a generic alternative for the prescribed drug; and means for displaying one or more pharmacy data access displays to the customer when the customer selects the pharmacy data access selection wherein the customer is allowed to access one of a personal prescription history and specific drug information from a database.

Because none of the cited references, either alone or in combination recite each and every limitation recited above, new claim 19 is also in condition for immediate allowance.



### CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

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Respectfully submitted,

By 

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